



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/693,060

10/20/2000

Joel E. Short

42253/205301

8830

826

7590

05/26/2006

ALSTON & BIRD LLP  
BANK OF AMERICA PLAZA  
101 SOUTH TRYON STREET, SUITE 4000  
CHARLOTTE, NC 28280-4000

EXAMINER

WON, MICHAEL YOUNG

ART UNIT

PAPER NUMBER

2155

DATE MAILED: 05/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/693,060	<b>Applicant(s)</b> SHORT ET AL.	
	<b>Examiner</b> Michael Y. Won	<b>Art Unit</b> 2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 21 March 2006.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-24 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
 \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This action is in response to the amendment and Request for Continued Examination filed March 21, 2006.
2. Claims 1, 10, and 17 have been amended.
3. Claims 1-24 have been examined and are pending with this action.

### ***Specification***

4. The amendment filed March 21, 2006 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material, which is not supported by the original disclosure, is as follows: "via a packet translation learned during a self configuration".

The arguments in the Remarks section of the amendment recite that support for the amendment "via a packet translation learned during a self configuration" can be found in U.S. Pat. No.6,130,892, which was issued from U.S. Patent Application No.09/041,534, "which the present application incorporates by reference in its entirety".

However, the examiner could not find any incorporation by reference to either patent or application mentioned.

Applicant is required to cancel the new matter in the reply to this Office Action.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1, 10, and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The amended limitation "via a packet translation learned during a self configuration" is new matter.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2155

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-16, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman et al. (US 6,385,653 A) in view of Taylor (US 6,785,730 B1).

**INDEPENDENT:**

As per **claim 1**, Sitaraman teaches a method for selectably controlling and customizing source access to a network, wherein the source is associated with a source computer, comprising:

receiving at the gateway device a request from the source computer for access to the network (see col.3, lines 36-40 and col.4, lines 39-44), wherein the gateway device enables the source computer to access any network (see col.9, lines 15-21) regardless of network configurations (see col.5, line 63-col.6, line11) and no configuration software need be installed on the source computer to access the network (see col.4, lines 60-67);

identifying an attribute associated with the source (see col.4, lines 55-67) based upon a packet transmitted from the source computer (see col.4, lines 50-51) and received by the gateway device (see col.4, lines 39-44);

accessing a source profile corresponding to the source and stored in a source profile database, wherein the source profile is accessed based upon the attribute (see Fig.2; col.2, lines 52-58; col.3, lines 23-25; and col.5, lines 38-44), and wherein the source profile database is located external to the gateway device and in communication with the gateway device (see Fig.1), and

determining the access rights of the source based upon the source profile, wherein access rights define the rights of the source to access the network (see col.1, line 63-col.2, line 19 and col.5, lines 1-10).

Sitaraman does not explicitly teach wherein the accessing any network occurs via a packet translation learned during self configuration.

Taylor teaches of accessing any network via a packet translation learned during self configuration (see Fig.5A, steps 190-194 and col.12, lines 52-60).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Taylor within the method of Sitaraman by implementing accessing any network via a packet translation learned during self configuration within the method for selectably controlling and customizing source access to a network because Taylor teaches that sharing data between two disparate devices occurs via a gateway, however prior art gateways are limited to "only a specific set (usually a pair) of communication protocols" (see col.2, lines 2-7) and/or data formats and further teaches a need for a "translator capable of "keeping up" with the constantly-evolving, multi-industry electronic device market" (see col.2, lines 20-25). Regardless of the prior art "gateway" or the present "translator", it is inherent that the devices must first be able to learn the different protocols employed and hence the different packet translations necessary during initialization, start-up, or self-configuration.

As per **claim 10**, Sitaraman teaches a system for selectably controlling and customizing access, to a network, by a source, where the source is associated with a source computer, and wherein no configuration software need be installed on the source computer to access the network, comprising:

a gateway device, wherein the gateway device receives a request from the source for access to the network (see col.3, lines 36-40 and col.4, lines 39-44) and provides the source computer with access to the network regardless of network configurations (see col.1, lines 35-40 and col. 3, lines 35-50);

a source profile database in communication with the gateway device and located external to the gateway device (see Fig.1), wherein the source profile database stores access information identifiable by an attribute associated with the source, and wherein the attribute is identified based upon a data packet transmitted from the source computer and received by the gateway device (see Fig.2; col.2, lines 52-58; col.3, lines 23-25; and col.5, lines 38-44), and

an Authentication, Authorization and Accounting (AAA) server in communication with the gateway device and source profile database, wherein the AAA server determines if the source is entitled to access the network based upon the access information stored within the source profile database, and wherein the AAA server determines the access rights of the source, wherein access rights define the rights of the source to access destination sites via the network (see col.1, line 63-col.2, line 19 and col.5, lines 1-10).

Sitaraman does not explicitly teach of accessing the network via a packet translation learned during self configuration.

Taylor teaches of accessing the network via a packet translation learned during self configuration (see Fig.5A, steps 190-194 and col.12, lines 52-60).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Taylor within the system of Sitaraman by implementing accessing the network via a packet translation learned during self configuration within the system for selectably controlling and customizing access, to a network because Taylor teaches that sharing data between two disparate devices occurs via a gateway, however prior art gateways are limited to "only a specific set (usually a pair) of communication protocols" (see col.2, lines 2-7) and/or data formats and further teaches a need for a "translator capable of "keeping up" with the constantly-evolving, multi-industry electronic device market" (see col.2, lines 20-25). Regardless of the prior art "gateway" or the present "translator", it is inherent that the devices must first be able to learn the different protocols employed and hence the different packet translations necessary during initialization, start-up, or self-configuration.

**DEPENDENT:**

As per **claim 2**, which depends on claim 1, Sitaraman further teaches wherein determining the access rights of the source based upon the source profile comprises determining the access rights of the source based upon the source profile, wherein



Art Unit: 2155

access rights define the rights of the source to access a requested network destination (see col.1, line 63-col.2, line 19 and col.5, lines 1-10).

As per **claim 3**, which depends on claim 1, Sitaraman teaches of further comprising assigning a location identifier to the location from which requests for access to the network are transmitted, and wherein the location identifier is the attribute associated with the source (see col.2, lines 23-38 and col.8, lines 29-40).

As per **claims 4 and 12**, which depend on claims 1 and 10, respectively, Sitaraman further teaches wherein accessing a source profile corresponding to the source comprises accessing a source profile stored in a source profile database, wherein the source profile database comprises a remote authentication dial-in user service (RADIUS) (see col.2, lines 3-5 and col.7, lines 2-10).

As per **claims 5 and 13**, which depend on claims 1 and 10, respectively, Sitaraman further teaches wherein accessing a source profile corresponding to the source comprises accessing a source profile stored in a source profile database, wherein the source profile database comprises a lightweight directory access protocol (LDAP) database (see col.11, lines 35-38).

As per **claim 6**, which depends on claim 1, Sitaraman teaches of further comprising updating the source profile database when a new source accesses the network (inherent: see col.3, lines 25-34).

As per **claim 7**, which depends on claim 1, Sitaraman teaches of further comprising maintaining in the source profile database a historical log of the source's access to the network (inherent: "AAA").

As per **claim 8**, which depends on claim 1, Sitaraman further teaches wherein the attribute associated with the source is based upon one of a MAC address, User ID or VLAN ID associated with the source computer from which the request for access to the network was transmitted (see col.1, lines 65-66 and col.8, lines 20-25).

As per **claim 9**, which depends on claim 1, Sitaraman further teaches wherein receiving at the gateway device a request from a source for access comprises the step of receiving a destination address from the source (see col.3, lines 11-14).

As per **claim 11**, which depends on claim 10, Sitaraman further teaches wherein the packets received by the gateway device include at least one of VLAN ID, a circuit ID, and a MAC address (see col.3, lines 11-14).

As per **claim 14**, which depends on claim 10, Sitaraman further teaches wherein the source profile database includes a plurality of source profiles, wherein each respective source profile of the plurality of source profiles contains access information (see col.5, lines 38-44).

As per **claim 15**, which depends on claim 14, Sitaraman further teaches wherein each respective source profile contains historical data relating to the duration of network access for use in determining the charges due for the network access (inherent: "AAA").

As per **claim 16**, which depends on claim 10, Sitaraman further teaches wherein the source profile database is located within the AAA server (see Fig.1).

7. Claims 17-24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sitaraman et al. (US 6,385,653 A) in view of Taylor (US 6,785,730 B1) and Bowker et al. (US 6,317,790 B1).

As per **claim 17**, Sitaraman teaches a method for redirecting a source attempting to access a destination through a gateway device, wherein source is associated with a source computer, and wherein the gateway device enables the source to communicate with a network, comprising:

receiving at the gateway device a request from the source to access the network (see col.3, lines 36-40 and col.4, lines 39-44) regardless of network configuration (see col.1, lines 35-40 and col. 3, lines 35-50) and without requiring the source computer to include network software configured for the network (see col.4, lines 60-67);

identifying the source based upon an attribute associated with the source (see col.4, lines 50-59 and col.6, lines 46-51);

accessing a source profile database located external to the gateway device, the source profile database storing access rights of the source (see Fig.2; col.2, lines 52-58; col.3, lines 23-25; and col.5, lines 38-44); determining the access rights of the source based upon the identification of the source, wherein the access rights define the rights of the source to access destination sites via the network (see col.1, line 63-col.2, line 19 and col.5, lines 1-10).

Sitaraman does not explicitly teach of accessing the network via a packet translation learned during self configuration.

Taylor teaches of accessing the network via a packet translation learned during self configuration (see Fig.5A, steps 190-194 and col.12, lines 52-60).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Taylor within the system of Sitaraman by implementing accessing the network via a packet translation learned during self configuration within the method for redirecting a source attempting to access a destination through a gateway device because Taylor teaches that sharing data between two disparate devices occurs via a gateway, however prior art gateways are limited to “only a specific set (usually a pair) of communication protocols” (see col.2, lines 2-7) and/or data formats and further teaches a need for a “translator capable of “keeping up” with the constantly-evolving, multi-industry electronic device market” (see col.2, lines 20-25). Regardless of the prior art “gateway” or the present “translator”, it is inherent that the devices must first be able to learn the different protocols employed and hence the different packet translations necessary during initialization, start-up, or self-configuration.

Sitaraman does not explicitly teach directing the source to a redirection site when the source profile is not located within the source profile database. Bowker teaches of directing the source to a redirection site when the source profile is not located within the source profile database (see col.11, lines 2-5; col.13, lines 59-62; and col.14, lines 30-33 & 59-61).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to employ the teachings of Bowker within the system of Sitaraman

Art Unit: 2155

by implementing a redirection site for directing the source when the source profile is not located within the source profile database because such an implementation allows a condition to be applied such as redirection to a registration site for sources without a profile or redirection to a notification site denying access to invalid sources (see Bowker: col.14, lines 14-16).

As per **claim 18**, which depends on claim 17, Sitaraman further teaches wherein accessing a source profile database comprises accessing a source profile database comprising a remote authentication dial-in user service (RADIUS) (see col.2, lines 3-5 and col.7, lines 2-10).

As per **claim 19**, which depends on claim 17, Sitaraman further teaches wherein accessing a source profile database comprises accessing a source profile database comprising a lightweight directory access protocol (LDAP) database (see col.11, lines 35-38).

As per **claim 20**, which depends on claim 17, Sitaraman teaches of further comprising assigning a location identifier to the location from which requests for access to the network are transmitted, and wherein the location identifier is the attribute associated with the source (see col.2, lines 23-38 and col.8, lines 29-40).

As per **claim 21**, which depends on claim 17, Sitaraman teaches of further comprising updating the source profile database when a new source accesses the network (inherent: see col.3, lines 25-34).

As per **claim 22**, which depends on claim 17, Sitaraman teaches of further comprising maintaining in an accounting database a historical log of the source's access

to the network (inherent: "AAA"), wherein the accounting database is in communication with the source profile database (see Fig.1).

As per **claim 23**, which depends on claim 17, Sitaraman further teaches wherein receiving at the gateway device a request from a source for access comprises the step of receiving a destination address from the source (see col.3, lines 11-14).

As per **claim 24**, which depends on claim 19, Sitaraman further teaches wherein determining if the source computer is entitled to access the destination address further comprises denying the source computer access where the source profile indicates that the source computer is denied access (see col.2, lines 20-23).

### ***Response to Arguments***

8. In response to the argument regarding claims 1, 10, and 17 with respect to the amended language of "wherein the gateway device enables the source computer to access any network regardless of network configurations via a packet translation function learned during self configuration", "wherein the gateway device receives request from the source for access to the network and provides the source computer with access to the network regardless of network configuration via a packet translation function learned during self configuration", and "receiving at the gateway device a request from the source to access the network regardless of the network configurations

via a packet translation function learned during self configuration", respectively, the argument is moot in view of the new ground(s) of rejection.

The new reference, *Taylor*, clearly teach the above-recited limitations (see rejections set forth above).

### ***Conclusion***

9. For the reasons above, claims 1-24 have been rejected and remain pending.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Y. Won whose telephone number is 571-272-3993. The examiner can normally be reached on M-Th: 7AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Michael Won

A handwritten signature in black ink, appearing to read 'Michael Won', with a stylized, flowing script.

May 24, 2006